

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TYRONE DAVIS, et al., etc.,                         )  
  )  
  )  
Plaintiffs,    )  
  )  
  )  
v.    )          No. 10 C 5958  
  )  
  )  
ABM SECURITY SERVICES, INC.,                        )  
  )  
  )  
Defendant.    )

MEMORANDUM ORDER

This Court's one-page August 12, 2011 memorandum order ("Order") pointed to a flaw in the responsive pleading that had been filed by ABM Security Services, Inc. ("ABM") in this recently-revived action. Instead of following that Order's directive to file a brief curative amendment to the Answer, ABM has seen fit to fell more trees by filing a self-contained full-blown Amended Answer and Affirmative Defense ("AD"). This Court's review of that pleading has focused its attention on a matter that, it would appear, should have been attended to up front.

ABM's single AD asserts that the individual plaintiffs (and putative class representatives "must bring their claims to arbitration pursuant to collective bargaining agreements between ABM and the Union of which each of the named Plaintiffs were members at all relevant periods of time relating to their claims." If the success of that contention would call for the dismissal of this action either with or without prejudice (or

even if it might cabin the issues in controversy to those, if any, outside the scope of that claimed obligation), ABM really has a duty to bring that subject on for consideration as early as possible.

At this morning's status hearing, this case was put over to August 29 to consider the possible entry of an order that might facilitate an orderly approach to issues of possible class certification. ABM's counsel should also be prepared to speak, at that status hearing, to the question posed by this memorandum order.



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Milton I. Shadur  
Senior United States District Judge

Date: August 22, 2011